

**West Mojave Plan
Task Group 1
Green Tree Inn, Victorville
December 10, 2001**

Attendees

Task Group: Ileene Anderson, Mike Azeka, Chuck Bell, Jason Brandman, Ray Bransfield, Marie Brashear, Mike Connor, Alisa Ellsworth, Clarence Everly, Jeri Ferguson, Ken Foster, Mark Hagan, Gerald Hillier, Manuel Joia, Peter Kiriakos, Paul Kober, David Matthews, Tonya Moore, Steven P. Morgan, Tom McGill, Lorelei Oviatt, Doug Parham, Dave Reno, Mike Roseberry, Charles Sadderth, Randy Scott, Doug Shumway, Courtney Smith, Pat Smith, Bob Strub, Barbara Veale, Ed Waldheim, Maria Wertenberger, Martin Wilkins, Darrell Wong.

West Mojave Team: Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer, Nanette Pratini.

Introduction

Bill Haigh opened the meeting at 9:50 AM, and introductions were made. Haigh noted that there were no requests for changes to the meeting notes for the November 13, 2001 Task Group 1 meeting, and asked group members to e-mail him if any changes need to be recorded.

Lorelei Oviatt noted that she requested reconsideration of the application of standard measures in survey areas outside of DWMAs, and that this item is not on today's agenda.

Bill Haigh noted that the BLM webpage, and BLM staff's ability to send and receive e-mail from the BLM offices has been disrupted due to a court order. He was uncertain when the BLM internet capability would be restored.

Strategy for Completing the Task Group Process

Bill Haigh displayed the following schedule for finalizing the West Mojave Plan:

Task Group 1 Meetings:	Jan 9 and Feb 13, 2002
Proposal Finalized	March 31, 2002
Scoping EIS/R	April 2002
Draft EIS/R	Fall 2002
Final Plan EIS/R	June 2003

Haigh noted that the June 2003 date is driving the other dates. Issues driving the June 2003 date include dates listed in the settlement agreement between the BLM and the Center for Biological Diversity, and the legislation for the proposed Fort Irwin land expansion. In order to have

sufficient time to write the plan, the proposal must be completed by March 31, 2002. Haigh clarified that the public scoping proposed in April 2002 will involve a presentation of the proposal, and a request for public input. A Federal Register notice will be published announcing the meetings.

Peter Kiriakos noted that the January 9 meeting date conflicts with the California Biodiversity Council meeting. Haigh noted that the meeting dates would be discussed later in the meeting.

Haigh noted that most of the work on the tortoise and Mohave ground squirrel is done except for route designation and livestock grazing. A motorized vehicle access proposal will be developed by the planning team during February and March. Given the level of controversy surrounding the livestock grazing strategy, the job of developing a livestock grazing proposal will probably fall to the planning team, a job it must complete by late March.

That leaves the job of preparing a conservation strategy for the remaining species -- the "multi-species component" of the plan. The following questions were asked and points made:

- Mike Connor asked when the route designations would be completed. Haigh noted that the field surveys will be completed by the end of January, and that Task Group 2 will assist in defining the criteria for making the designation decisions. Haigh stated that there will not be a proposed route system until late March.
- Marie Brashear suggested that a Super Group meeting be scheduled to show that group the final product. Bill Haigh agreed to include a Super Group meeting just prior to the scoping meetings. Haigh further noted that he will include a joint Task Group 3 and 4 meeting towards the end of March, perhaps in connection with a final Task Group 1 meeting.
- Gerry Hillier asked whether the schedule assumed consensus on the DWMA boundaries. Haigh responded that a meeting could be scheduled for the purpose of tweaking the boundaries, but expressed concern for any changes beyond minor modifications.
- Lorelei Oviatt asked when changes would be made to the ground squirrel HCA boundaries. Haigh responded that the boundaries are open to public comment until December 21st. Adjustments would be made after that.

Bill Haigh suggested that the meeting schedule be accelerated to ensure that task group could complete the multi-species component and still meet the schedule deadlines. He asked that the group hold an additional meeting in January. Haigh also proposed that the issues be discussed, and if there is not consensus, the differing proposals could form the core of the alternatives to be addressed in the EIS/EIR. Haigh noted that the remaining species were grouped for discussion purposes into geographic "bioregions". This would allow each meeting to focus on a particular section of the planning area and, in addition, would allow the group to consider the cumulative result of applying overlapping species conservation strategies. Haigh felt that this would expedite the process.

- Mike Connor noted that there will be major alternatives to consider if we are not working towards consensus.
- Lorelei Oviatt asked that a copy of the bioregion map be provided to the group prior to the next meeting. Bill Haigh asked whether Clarence Everly's group would be willing to run off 50 copies of the map. Everly indicated this is possible. Gerry Hillier indicated that the bioregion approach for dealing with the remaining species is an entirely new approach, and that the group needs time to consider the map.

The following schedule was agreed upon:

January 9, 2002	Consider Great Basin and Antelope Valley Bioregions
January 23, 2002	Consider South Central and Mojave River Bioregions
February 11, 2002	Consider Central and Sierra/Tehachapi Bioregions
March 6, 2002	Plan wide and DWMA boundaries

Tortoise Cleanup Issues

Ed LaRue stated that a few issues for the tortoise need final resolution. He presented these issues as follows:

- **Military** (See memo from Ed LaRue to Task Group 1 dated 12/07/01 re: Use of China Lake for head starting program; wording for military contribution to conservation in the West Mojave.)

Table 17. Team with Military; Measure: A7b.

Ed LaRue presented proposed language provided by Ray Bransfield of the U.S. Fish and Wildlife Service regarding management of covered species on military lands. He indicated that John O'Gara will be providing additional language to reflect on-base management actions already required and in place.

The Task Group agreed to accept the language. Pete Kiriakos expressed concern that there may be conflict between this measure and the new Edwards Air Force Base management plan as he feels the proposed base management plan does not acknowledge or provide management for the species.

Table 17. Team with Military; Measure T1a

LaRue indicated that, per John O'Gara, there is no plan to pursue head-starting at China Lake NAWS at this time.

- **Mining** Ed LaRue led a discussion of a proposed revision of prescription 93, drafted by Mike Rauschkolb (US Borax) in response to a task group request (new wording underlined):

Use of earth-moving equipment or vehicle travel off public roads and designated

open routes would not be allowed except: a) in critical situations where needed to protect life and property; or b) under a BLM-approved Plan of Operations for exploration activities conducted in accordance with the General Mining Law of 1872. The operations shall meet the requirements of all applicable Federal, State of California, and county laws and regulations, including the applicable regulations in 43 CFR 3809.1-3.

Exploration drilling and the development of access routes to drill sites are considered temporary disturbances under this Plan. If the access route is closed within one hundred-twenty (120) days of commencement of surface-disturbing activities and any surface disturbance at the drillsite is reclaimed, these activities will not be counted under any acreage limitation on the cumulative authorized take within the DWMA.

The following points were made during the discussion on this item:

- ▶ Environmental representatives expressed concern with the language. Ileene Anderson indicated that the reclamation standards are inadequate.
- ▶ Gerry Hillier questioned whether the provision could legally be imposed.
- ▶ Lorelei Oviatt expressed concern with the final sentence. If the reclamation is inadequate, she feels the disturbance should count against the 1% Allowable Ground Disturbance (AGD) threshold. Oviatt inquired as to the status of the Restoration Subcommittee, and Ileene Anderson noted that they are still working on the issue.
- ▶ Randy Scott asked why land disturbance from exploration shouldn't be counted towards the 1% AGD threshold. Bob Strub responded that since exploration is a temporary disturbance, it should be treated differently. Scott indicated that the temporary nature could be recognized through the monitoring of revegetation and "adding" back in if adequately reclaimed.
- ▶ Doug Shumway preferred the language as shown and pointed out that the disturbances involved with exploration are typically very minor, sometimes amounting to "two guys and a shovel." Most sampling is done by core drilling, although Randy Scott noted that some exploration is bulk sampling done with a front end loader.
- ▶ Lorelei Oviatt stated that the language "development of access routes" is problematic, and suggested replacing it with "use of access routes." Oviatt also suggested including the last sentence (regarding counting disturbance towards the 1%) as an alternative proposal in the EIS/R.
- ▶ Peter Kiriakos suggested dropping the measure if disturbance from exploration is so insignificant. Kiriakos is also concerned about the route and 1% language.
- ▶ Gerry Hillier suggested leaving in the 1st sentence and requiring a plan of operation.
- ▶ Randy Scott indicated that the language provides an incentive to avoid going cross country. Scott felt this aspect should be clarified.
- ▶ Gerry Hillier stated that if new access is developed or undertaken, then the disturbance should count against the 1%, but if not; it shouldn't.

Ed LaRue indicated he would provide the language to the group in electronic form, and any additional comments can be sent to him.

- **Weed Management** (See memo from Ed LaRue to Task Group 1 dated 12/10/01 re: Weed Abatement)

Ed LaRue indicated that the recommendation is to coordinate the weed abatement program with existing organizations such as the Mojave Weed Management Area group. The following discussion occurred:

- ▶ Peter Kiriakos asked whether language should be added addressing the human introduction of weeds. Ileene Anderson pointed out that vehicles and stock spread weeds, and that weeds establish themselves along the disturbed roadways, then spread outwards from there.
- ▶ Mike Connor asked for clarification of what specifically would be done as a result of cooperation. Lorelei Oviatt agreed that more than the word “cooperation” is needed. She noted that while the West Mojave Plan won’t start it’s own independent program for weed abatement, it will assist with funding and implementation of existing efforts.
- ▶ Bob Strub asked for consideration that some species, such as old stock roses, not be considered weeds for purpose of this program.
- ▶ It was clarified that the authority of the RCD covers all of the Mojave Desert. Ileene Anderson requested that reference to Mono/Inyo Weed Management Area be added.
- ▶ It was recommended that the word “implement” be added; that “will cooperate” be added; and that language be added indicating that this effort will coordinate with the biological needs of the Plan (adaptive management). Mike Connor recommended the following language be added to the end “...that contribute to the conservation of plant and animal species covered by the plan.”
- ▶ Ileene Anderson and Pete Kiriakos suggested additional language relative to preventing introduction of weeds. Anderson suggested referencing “weed abatement and management.” It was noted that abatement and management are different.

- **Education** (See memo from Ed LaRue to Education Subcommittee dated 12/04/01 re: Education Program for WMCMP)

Ed LaRue indicated that the Education Subcommittee came up with a list of 24 goals. Bill Haigh stated that these would be provided to the Task Group for comment, and asked the group to send any comments back to LaRue. This item will be discussed at the next meeting. Lorelei Oviatt stated that we should not tie the hands of the education group. LaRue responded that the intent of providing goals is to give whomever is implementing the education component a sense of what the stakeholders had in mind for an education program. Ileene Anderson asked that the language be expanded to include species in

addition to tortoises. Ed LaRue asked that Valerie Page with the Mojave Weed Management Area be added to the e-mail list.

- **Commercial Filming** (See memo from Ed LaRue dated 12/07/01 re: Commercial filming in DWMAs)

Bill Haigh gave Tim Read an opportunity to respond to comments made at the last Task Group 1 meeting regarding land clearing by Paramount Pictures near the Edwards Bowl area. Tim Read commented on a letter from Paramount explaining what was done at the site. The land clearing that occurred took place on private property and reclamation of the site will be done. Doug Parham thanked the BLM for their involvement in this, and indicated he would like to see what area will look like when reclamation is completed. Parham feels that some public land was impacted.

Ed LaRue indicated that the Ridgecrest and Barstow BLM offices have checklists for commercial filming, and indicated that filming is already pretty well regulated. The following comments/suggestions were made:

- ▶ Marie Brashear indicated that the counties need to look into illegal dumping around the Edwards area.
- ▶ Ileene Anderson commented that hydro seeding should not be allowed in the desert area, as the seeds will germinate, then dry out. Marie Brashear concurred.
- ▶ Tim Read noted that each film permit is required to go through the NEPA process except for certain areas covered by a programmatic EA. He noted that no surface disturbance is allowed in the programmatic areas.
- ▶ Peter Kiriakos stated that there should be a process to ensure that the film company actually complies with the stipulations. Tim Read indicated that BLM monitors compliance to ensure that this occurs.

Bill Haigh said that he will send out copies of the commercial filming stipulations to the group for review and comment. Bob Strub asked that the film commission also receive the mailing.

- **Standard Measures for Construction Projects**

In response to a task group request, Ed LaRue asked a group of experienced field biologists to review the proposed list of standard construction measures. The measures have been modified in response to suggestions submitted by the biologists.

Randy Scott indicated that the measures are appropriate in the DWMAs and BTAs but does not feel they are appropriate in the ITA, even in a survey area. In that context, he is comfortable with them. Lorelei Oviatt agreed that they should not apply in the ITA. Randy Scott stated that individual animals are being saved within the incidental take areas,

however, habitat is not being conserved for the tortoise. Therefore the standards for construction projects in the ITA should be different than in the DWMAs. Lorelei Oviatt agreed. Darrell Wong, CDFG, reminded the group that if a 2081 permit is to be issued, then actions must be “minimized and fully mitigated.”

Bill Haigh highlighted on the flip chart that the standard measures would apply to the tortoise BTAs, DWMAs, and SRAs, but that application to the remaining portion of the tortoise survey area remains an unresolved issue. He said that a copy of the revised measures will be distributed to the group for their review.

Ed LaRue indicated that maps showing the proposed survey areas should be completed by the end of January.

Lunch break 11:30 to 12:45

Bransfield: Coverage of Unlisted Species (“No Surprises”) and other issues pertinent to the multi-species component of the plan.

Bill Haigh introduced Ray Bransfield, Fish and Wildlife Service who provided an overview of private land “incidental take” (Section 10(a)) permits, including “no surprises” assurances. The following points were made:

- Two criteria must be met prior to issuance of a Section 10(a) “incidental take” permit: 1) Impact to the species must be minimized and mitigated to the maximum extent practicable; and 2) Permit cannot be issued if it would jeopardize a listed species or substantially alter critical habitat.
- USFWS may issue a Section 10(a) permit which “covers” a listed wildlife species if it determines that a habitat conservation plan’s (HCP) management program would conserve the species within the planning area. If an unlisted wildlife species would be conserved, USFWS can structure the permit so that the species can be added if and when it is listed.
- People involved in early HCPs feared that USFWS would withdraw the permit if the plan was later found to be insufficient. To remedy this, former Secretary Babbitt issued a 5-point policy on HCPs, one of which addressed “no surprises” assurances. “No surprises” provides that once USFWS signs an implementing agreement and issues a permit which “covers” a species, it can not come back at a later date and demand additional land and financial contributions from a permittee.
- This has caused HCPs to be developed in much more detail, and to be more user friendly. The “what ifs”, such as natural disasters, are considered during HCP development.
- Section 10(a) permits do not apply to federal lands, and “no surprises” assurances can not be issued to federal agencies. Should conditions change, federal agencies CAN be required to take additional actions to protect a species.
- Listed plants on private lands are treated somewhat differently. Section 10(a) permits and “no surprises” assurances can not be issued for listed plants. However, ESA requires as a

precondition for the issuance of a Section 10(a) permit that it cannot jeopardize any listed species, including plants. For example, if conservation of the desert tortoise would impact Lane Mountain milk vetch, no permit could be issued.

The following questions were asked and comments made:

- Mike Connor asked about coverage for desert cymopterus, which exists primarily on military lands. Ray Bransfield responded that he would want a guarantee that no population would be lost outside of the military lands in order to provide coverage.
- Connor asked how localized plants should be dealt with. Bransfield indicated they would have to be avoided, and land acquisition would be prioritized so that areas with the most species would be acquired first (Rabbit Springs as an example).
- Connor asked how USFWS will deal with some jurisdictions opting out of some species and the potential impact on the plan as a whole. Bransfield responded that it is important to have everyone involved. Bransfield indicated it is a severability issue - if counties (San Bernardino and Kern) aren't involved, it could be difficult.
- Chuck Bell asked if one entity opted out, couldn't USFWS apply the measures contained in the HCP to projects within that jurisdiction. Bransfield responded "yes", but only for listed species. Bransfield further stated that if a sensitive species were opted out, USFWS could consider listing the species. If the species were already listed, the Service would consider it on a case by case basis.
- Dave Matthews asked that a distinction be made between the use of the words "conserve" and "preserve".
- Lorelei Oviatt asked for clarification that the "no surprises" policy is applicable to private lands only. Bransfield confirmed this and indicated that Section 7 consultation would have to be initiated for federal lands. Oviatt stated that the plan must be clear that the private portion of the HCP has assurances even if the federal portion must take additional measures.
- Gerry Hillier asked when the Biological Opinion (BO) from USFWS would be issued. Bransfield indicated that the BO could be issued at the draft EIS stage. Hillier noted that it is important to know this, and also whether reconsultation would be needed at the final EIS due to changes in the plan. Hillier also asked whether the state's 2081 permit can be included. Darrell Wong (CDFG) indicated that CDFG has not yet worked out all the details as to how this would work because the standard is different (fully mitigate vs maximum extent practicable). Wong also noted that proceeding with an NCCP program would be easier.

- Peter Kiriakos asked whether recovery is the goal of the plan. He noted that this is the case for other plans he is working on. Bransfield indicated that the goal for public lands recovery for the tortoise, and noted that the recovery plans for species will provide a guide for USFWS decisions. Kiriakos asked that the recovery plans for species within the West Mojave Plan be compared to the proposed Plan prescriptions.
- Chuck Bell asked what happens if science later tells us that 80% of the threat to a species cannot be dealt with? Can we continue to impose on the remaining 20% of threats causing the problem? Bransfield indicated that whenever we get new information, we need to deal with it. However, he did not feel the scenario was reasonable or realistic.
- “No surprises” gives USFWS the option of asking nicely that a problem be addressed by a permittee itself. If the permittee declines to do so, the fallback would be for USFWS to fix the problem with its own funds and, if necessary, list it.

San Bernardino Mountains - Mojave Desert Ecotone

Larry LaPre indicated that the bioregions shown on the map are intended as “species packages” to facilitate group discussion and are not based on other commonalities. The bioregions were defined to group species that are primarily confined to that area. The area to be covered today is the San Bernardino Ecotone. He indicated that this bioregion includes the Morongo Valley ACEC, the Big Morongo Preserve, the Yucca Valley Golf Course, and the Juniper ACEC (a cultural ACEC).

- **Carbonate Endemics**
LaPre indicated that the major issue in this area is the carbonate endemic plants. LaPre noted that a species list and a summary of management prescriptions for covered species was e-mailed to the task group recently (see “San Bernardino Mountains-Mojave Desert Ecotone Summary of Management Prescriptions for Covered Species”). He indicated that there are four federally listed plants (three endangered and one threatened) within this area, and reviewed the strategy for the carbonate endemics.

The following questions were asked and comments made:

- ▶ Mike Connor asked how the strategy for the carbonate endemic plants fits into the compensation strategy for the plan as a whole. Larry LaPre responded that the strategy for these plants is its own special arrangement. If the proposed arrangement is not adopted by the parties, then an ACEC would be created and the 5:1 mitigation ratio would apply. He indicated that the 5:1 ratio would be quite onerous for the miners in the area, and noted that a consultant has been hired to write up how the carbonate endemic strategy would be implemented. The consultant’s document is due in March 2002.

- ▶ Lorelei Oviatt asked whether the carbonate endemic strategy would benefit other species. LaPre responded that bighorn sheep would see some benefit. LaPre added that a recovery plan had been issued for the carbonate endemic plants. After comments were received on the plan, USFWS began work on a new recovery plan. LaPre also noted that California Native Plant Society (CNPS) sued USFWS to designate critical habitat, and two parties agreed to settle. The settlement requires that critical habitat be designated by 2002.
- ▶ LaPre said that the dual sport touring event currently allowed in the area would continue to be allowed. He explained that the area is steep and rocky, and it would be difficult for riders to stray off the road to impact habitat.
- ▶ Gerry Hillier asked whether the plants were adaptable to previously mined areas. LaPre said that Parish's daisy seems to come back rather well in reclaimed areas, but not the other species. Randy Scott added that the mining companies have experimented with carbonate endemic plants in their reclamation plans, but the results have not been monitored over a long time.
- ▶ Hillier also indicated that at one point during a carbonate group meeting he was told that the USFWS would not issue a recovery plan. LaPre responded that there is a question whether or not the Carlsbad office of USFWS will issue a recovery plan for the carbonate species. It is possible the office may wait and review the proposed strategy first.
- ▶ Chuck Bell asked whether CDFG and USFWS have taken a position on the carbonate endemic approach. LaPre responded that CDFG has not been present at the meetings, and that USFWS fully supports the collaboration effort but has not committed as to whether the strategy is sufficient or not.

Break: 2:10 PM to 2:25 PM

- **San Diego horned lizard and short-joint beavertail cactus**

Larry LaPre noted that the primary conservation measures for the San Diego horned lizard are included within the Antelope Valley bioregion. One conservation measure for the San Bernardino Mountains-Mojave Desert Ecotone involves building setbacks of 100 feet from twelve specified drainages. LaPre indicated that there is considerable scattered development throughout the area, and that this measure attempts to maintain some open space as well as linkages between BLM and Forest Service land through this area. In addition, the horned lizard prefers sandy areas such as those along drainages. The following points were raised:

- ▶ The strategy outlined for this bioregion does not represent the complete strategy for the species.

- ▶ CDFG and USFWS representatives indicated they would need to see the complete strategy to determine adequacy. Ray Bransfield indicated that setbacks may not be adequate conservation for the horned lizard.
- ▶ The short-joint beavertail cactus is found more in the foothills of the San Gabriels, and is not an important species in this ecosystem. Randy Scott noted that if this species occurs primarily on terraces, protecting the drainages is unlikely to provide much conservation.
- ▶ The drainages are defined as bank to bank. The setback would be from the top of bank.
- ▶ The need for a map delineating the drainages was noted. Larry LaPre said that the drainages proposed are not driveable washes. Chuck Bell noted that the flood zone maps for the counties may provide a wider area for protection.
- ▶ Most of the canyons containing the drainages are privately owned. Marie Brashear noted that the deed on parcels adjoining these drainages provide that any undeveloped land reverts to those who sold them the parcel. She feels it is unlikely that there will be development in any of those washes and noted that Rattlesnake Canyon is in BLM ownership.
- ▶ Ray Bransfield noted that each species considered for coverage will have a “balance sheet” that considers what is lost versus what is conserved. He noted that he sees little conservation value in establishing setbacks, but recommended keeping the setbacks in the Plan until the bigger picture can be seen.

Larry LaPre noted that item 4 is an additional conservation measure which provides for amending the Juniper Flats ACEC Plan to provide protection for the San Diego horned lizard by designating routes of travel and closing unnecessary roads. He noted that this measure may also enhance gray vireo habitat. LaPre noted that the Juniper Flats area is within a vehicle route subregion. The following comments were made:

- ▶ Jeri Ferguson asked when a route map would be available for this area and noted that this is a very sensitive area for equestrian stakeholders. Bill Haigh noted that CH2MHill will be preparing a route inventory for this area, assuming additional funding. Haigh noted that the route survey is costing approximately \$75,000 per weekend to complete. Mike Connor said that he understood from Tim Salt that all of the route subregions would be completed. Tim Read questioned whether route designation was necessary for the Juniper Flats area as it was completed as a part of the ACEC plan in the early 1980's. It was agreed that a closer look needs to be taken at what has been completed for this subregion.
- ▶ The question was raised as to whether current management and wilderness areas provide sufficient protection for these species. Ray Bransfield noted that if you look at all the areas to be conserved for all species in the planning area, route designation, and wilderness areas, it is possible you could say that enough mitigation exists. Bransfield indicated that you do not necessarily have to buy more land specific to that species. Rather you have determine whether the species

- is being conserved by the plan as a whole.
- ▶ The issue was again raised by some in the group that the full range of mitigation by species needs to be shown. Some in the group asked that the bioregion concept be set aside and that the remaining species be considered species by species. A different view was taken by Dave Reno, City of Hesperia, who said that he would like to see how species fit together as a package by areas, so that jurisdictions can focus on those areas within or surrounding their jurisdiction. Ray Bransfield suggested that if jurisdictions have concerns, then prepare a list for each jurisdiction listing the species they need to be concerned about. A suggestion was made that if the bioregion approach is continued, a better justification needs to be defined for taking that approach
 - ▶ The West Mojave Team was asked to have wilderness and military lands delineated on any maps presented for consideration.

Larry LaPre noted that the City of Hesperia is embarking on a separate Habitat Conservation Plan for the Summit Valley Ranch and Rancho Las Flores areas. This plan includes species the West Mojave Plan will not be covering, such as the arroyo toad.

Bill Haigh indicated that the West Mojave Team will consider the comments received today and will work on the approach to the remaining species for the January 9th meeting.

Meeting adjourned at 3:30 PM.